

REMARKS

Applicants have received and carefully reviewed the Office Action of the Examiner mailed April 8, 2008. Currently, claims 33-48 remain pending. Claims 34, 36, and 37 have been withdrawn subsequent an Examiner induced restriction requirement and claimed 33, 35, and 38-48 have been rejected. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections Under 35 U.S.C. §102

Claims 33, 35, and 38-48 have been rejected under 35 U.S.C. §102(e) as being anticipated by Noone et al. (U.S. 6,591,472). Applicants respectfully traverse the rejection.

In formulating the rejection, the Examiner states the earliest date for support of the subject matter in claims 33, 35, and 38-48 is May 18, 1999 which corresponds to application No. 09/313,672, now patent 6,858,024. However, application No. 09/313,672 is a continuation of application No. 08/800,927, now patent 5,911,715, filed February 13, 1997. Priority for the subject matter in the present applicant dates back to at least February 13, 1997. Application No. 08/195,222, now patent 5,569,218, filed February 14, 1994 has not been thoroughly reviewed for support for the subject matter of the present application, as application no. 08/800,927 discloses the same subject matter as the present application and was filed prior to the Noone reference. Thus, Noone does not qualify as prior art under 102(e). Withdrawal of the rejection is respectfully requested.

Appl. No. 10/816,429
Amdt. dated JULY 8, 2008
Reply to Office Action of April 8, 2008

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that all pending claims are now in condition for allowance. Issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

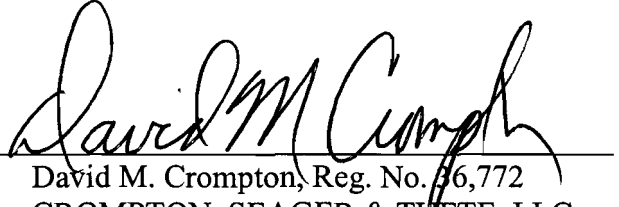
Respectfully submitted,

Todd A. Berg et al.

By their Attorney,

Dated: _____

7/8/08

A handwritten signature in black ink, appearing to read "David M. Crompton", is written over a horizontal line.

David M. Crompton, Reg. No. 36,772
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Telephone: (612) 677-9050
Facsimile: (612) 359-9349